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8  
9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 THE HACKETT MILLER COMPANY, INC., a  
Nevada corporation,

12 Plaintiff,

13 v.

14 GFOUR PRODUCTIONS, LLC, a Florida limited  
liability company; and SPOTLIGHT RIGHTS,  
15 LLC, a Florida limited liability company,

16 Defendants.

Case No.: 2:16-cv-00418-RFB-NJK

**STIPULATION AND (PROPOSED)  
ORDER FOR EXTENSION OF TIME  
FOR PARTIES TO FILE A  
DISCOVERY PLAN AND  
SCHEDULING ORDER PURSUANT  
TO THE COURT'S ORDER DATED  
MARCH 31, 2017 (Sixth Request)**

17  
18 Plaintiff THE HACKETT MILLER COMPANY, INC. ("Plaintiff"), and Defendants  
19 GFOUR PRODUCTIONS, LLC and SPOTLIGHT RIGHTS LLC ("Defendants"), by and  
20 through their undersigned counsel, hereby stipulate and agree to a sixth extension of time of 7  
21 days up to and including June 23, 2017, for the parties to file a Joint Discovery Plan and  
22 Scheduling Order with the Court pursuant to the Court's Minute Order dated March 31, 2017  
23 (ECF No. 29).

24 On March 30, 2017, the Court denied without prejudice Defendant's Motion to Dismiss  
25 for (1) Lack of Personal Jurisdiction, (2) Failure to Join a Necessary Party, and (3) Improper  
26 Venue, and (4) Request to Transfer Venue (ECF No. 22) and ordered the parties to engage in  
27 jurisdictional discovery for a period of 60 days commencing March 31, 2017, and to submit a  
28 joint proposed discovery/scheduling order within one week from March 31, 2017.

1           On April 7, 2017, the parties filed a stipulation to extend the time to file a discovery plan  
2 for 14 days (ECF No. 30) because the parties had reached a settlement framework which would  
3 dismiss the action entirely and wanted additional time to allow the parties to finalize settlement  
4 in the form of a formal written settlement agreement. On April 10, 2017, the Court granted the  
5 stipulation of the parties (ECF No. 31).

6           While Plaintiff's counsel diligently prepared a draft written settlement agreement for  
7 Defendants' review, Plaintiff's counsel was unable to obtain client approval on the draft due to  
8 vacation travel plans by Plaintiff's principals until April 17, 2017. Defendants' counsel provided  
9 proposed revisions to the settlement agreement on April 20, 2017. Because Plaintiff's counsel  
10 required additional time to review and discuss Defendants' proposed changes prior to the revised  
11 deadline to submit a discovery plan, the parties, on April 21, 2017, filed a second stipulation to  
12 extend the time to file a discovery plan for another 14 days (ECF No. 32) to May 5, 2017, which  
13 the Court granted on May 2, 2017 (ECF No. 33).

14           On April 24, 2017, the parties' counsel discussed Defendants' latest revisions to the draft  
15 settlement agreement. While Defendants' revisions raised some additional issues from Plaintiff's  
16 side, counsel for both parties believed that such issues could be worked out among the parties and  
17 agreed to continue trying to work towards a mutually acceptable settlement agreement. While  
18 Plaintiff's counsel worked diligently on further revisions to the settlement agreement that would  
19 address Plaintiff's concerns, Plaintiff's counsel was not able to get client approval on the revised  
20 draft prior to sending it back to Defendants' counsel because Plaintiff's primary principal, whom  
21 Plaintiff's counsel had been working with in connection with these settlement negotiations,  
22 became severely ill and was unable to review and approve the proposed settlement agreement.  
23 Plaintiff's counsel also was scheduled to be outside the country from May 5<sup>th</sup> through May 18<sup>th</sup>  
24 on a two-week vacation that was scheduled back in February (and about which Defendants'  
25 counsel was informed by Plaintiff's counsel on March 30, 2017). For these reasons, on May 3,  
26 2017, the parties filed a third stipulation to extend the time to file a discovery plan for another 21  
27 days to May 26, 2017, as well as a first stipulation to extend the time for the parties to conduct  
28 jurisdictional discovery by 30 days to June 30, 2017 (ECF No. 34), which the Court granted on

1 May 8, 2017 (ECF No. 35).

2 On May 11, 2017, Defendants' counsel wrote back to Plaintiff's counsel with additional  
3 revisions to the draft settlement agreement. Because Plaintiff's counsel was traveling overseas at  
4 this time, Plaintiff's counsel was unable to respond to Defendants' counsel comments about the  
5 revised draft agreement until May 17, 2017. Defendants' counsel prepared a detailed point-by-  
6 point response to each of the issues raised in the correspondence from Plaintiff's counsel.  
7 Defendants' counsel, after having the chance to discuss with Defendants the points raised by  
8 Plaintiff's counsel, responded to Plaintiff's counsel with another revised draft on May 22, 2017.  
9 While most of the issues to be worked out between the parties were relatively minor and both  
10 sides were optimistic that a middle ground could be reached, the parties were not able to agree on  
11 the issue of choice of venue despite Plaintiff's counsel proposing several alternatives as  
12 compromises. Counsel for both parties agreed to try and work towards having the agreement in  
13 final form in all other respects except for the issue of choice of venue and to address that issue  
14 after all other issues had been satisfactorily addressed. On May 23, 2017, after conferring with  
15 Plaintiff, Plaintiff's counsel emailed Defendants' counsel a revised settlement agreement making  
16 some additional minor changes. On May 25, 2017, Defendants' counsel discussed with Plaintiff's  
17 counsel a proposed compromise on the choice of venue issue.

18 In order to give the parties additional time to incorporate language into the agreement  
19 which would be acceptable to both sides as well as to finalize and execute the final written  
20 agreement, the parties on May 26, 2017, filed a fourth stipulation to extend the time to file a  
21 discovery plan for another 14 days to June 9, 2017 (ECF No. 36), which as of the filing of this  
22 Stipulation has not yet been granted by the Court.

23 On May 30, 2017, Defendants' counsel e-mailed to Plaintiff's counsel an updated revised  
24 settlement agreement making some additional revisions to the agreement, including Defendants'  
25 proposed language to incorporate the parties proposed compromise on the choice of venue issue.  
26 Plaintiff's counsel reviewed and revised the language proposed by Defendants and that same day  
27 e-mailed the updated agreement to Plaintiff for review and approval. Unfortunately, as of June 9,  
28 2017, Plaintiff's counsel had not been able to get client approval on the revised draft prior to

1 sending it back to Defendants' counsel. Despite multiple follow-up e-mails by Plaintiff's counsel,  
2 Plaintiff's primary principal, whom Plaintiff's counsel had been working with in connection with  
3 these settlement negotiations, has indicated that she has been so busy attending to various personal  
4 and business obligations, including graduation, final exams, an emergency pet surgery, and  
5 business projects with hard deadlines, that to date she has not been able to review the latest revised  
6 agreement.

7 Because the parties have been focused primarily on settlement efforts and needed to work  
8 out specific timeframes and deadlines for the proposed discovery plan and scheduling order,  
9 Defendants' counsel on June 9, 2017, agreed to a one week extension of the deadline to submit a  
10 discovery plan and scheduling order, but only to allow the parties time to focus on preparing and  
11 filing a discovery plan and scheduling order by no later than June 16, 2017. On June 9, 2017,  
12 the parties filed a fifth stipulation to extend the time to file a discovery plan for another 7 days to  
13 June 16, 2017 (ECF No. 37), which as of the filing of this Stipulation has not yet been granted by  
14 the Court.

15 Subsequently, on June 14, 2017, the parties were able to agree upon and finalize all terms  
16 of the written settlement agreement that the parties had been negotiating. However, the parties  
17 have not yet formally signed the circulated execution version of the settlement agreement and  
18 require additional time to obtain signatures and then prepare and file a dismissal of this case with  
19 the Court.

20 By this Stipulation, the parties request that the deadline to file a joint proposed discovery  
21 plan/scheduling order be extended by 7 days to June 23, 2017. This is the sixth request for an  
22 extension of time by both parties to file the joint proposed discovery/scheduling order.

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1 Good cause exists for this request because while the parties have agreed upon and  
2 memorialized in writing all terms and conditions of a settlement agreement to resolve this  
3 litigation, the parties still require additional time to obtain signatures from the parties. For these  
4 reasons, this stipulated request is made for good cause and not for purposes of delay.

5  
6 Dated: June 16, 2017

Dated: June 16, 2017

7 Respectfully Submitted,

Respectfully Submitted,

8 /s/ Ryan Gile

/s/ Jonathan Winter

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19 **IT IS SO ORDERED.**

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RICHARD F. BOULWARE, II

22 United States District Judge

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24 **DATE: June 16, 2017.**